

Appl. No. 09/972,181
Amrdr. dated Jun. 16, 2005
Reply to Office action of Apr. 20, 2005

REMARKS/ARGUMENTS

35 USC § 112, second paragraph

Claims 1-2, 5-7, 10-17, and 20 were rejected under 35 USC § 112, second paragraph, as being indefinite. The Applicant disagrees. In fact, it is entirely unclear to the applicant what in the previously pending claims would be indefinite:

For example, the Examiner states that use of the term "comprises" would render the claim indefinite as the oxidizable compound would possibly have other components besides the recited groups. Apparently, it is the Examiner's contention that the lack of recitation of potential other components would render the claim indefinite. However, such perspective is entirely irrelevant to the issue of clarity and definiteness. It is not open-ended language that renders a claim indefinite, but language that fails to define the metes and bounds in a manner understandable to a person of ordinary skill of the art.

The applicant invites the Examiner to consider claim 1 in issued U.S. Pat. No. 5,507,839. Here, and similar to the claims at issue, the language "...dye having a diene moiety..." and "...incorporating a dienophile into said solid material..." only and clearly focuses on what must be present in the dye (the diene and the dienophile), but does not elaborate on other groups, or even a molecular structure of the dye and/or solid material.

Therefore, the previously pending claims were sufficiently clear before amendment. Nevertheless, the applicant revised the claims to even more strongly point out that the oxidizable groups are limited to specific groups, and that the remaining compound must contain (in a non-exclusive manner) the oxidizable group. Similar thought apply to the metal ion the second metal-containing compound.

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The applicant believes that the present claim amendments are sufficient to overcome the Examiner's concerns and believes that the claims as amended are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

~~RUTAN & TUCKER~~

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